

## EXHIBIT-1

\*CAUSE NO. 2020-35780

JAMES ALLAN, ROBERT L. THOMAS  
and ALLAN HAYE,

*Plaintiffs/Counter-Defendants,*

v.

PCF PROPERTIES IN TEXAS, LLC, ET  
AL

*Defendant/Third-Party Plaintiff*

§ IN THE DISTRICT COURT

§ 80th JUDICIAL DISTRICT

§ HARRIS COUNTY, TEXAS

MISC. DOCKET NO. 2020-35780

In Re: A Purported

In the District Court

Lien or Claim Against Real Property Owned by In and For Harris County, Texas  
P.C.F. Properties in TX, LLC

80<sup>th</sup> Judicial District

**Motion for Judicial Review of Documentation**

**or Instrument Purporting to Create Liens or Claims**

Now Comes, P.C.F. Properties in TX, LLC and files this motion requesting a judicial determination of the status of documentation or instruments purporting to create interests in real property, or liens or claims on real, or an interest in real property relating to 8202 Terra Valley Lane, Tomball, TX 77375, all of which are filed in the office of the Clerk of Harris County, Texas, and in support of the motion would show the court as follows:

I. P.C.F. Properties in TX, LLC, Movant herein, is the owner of the real property commonly known as 8202 Terra Valley Lane, Tomball, TX 77375, or the interest in real property described in the documentation or instrument. The Property is more particularly described as:

Lot Twenty-Five (25), in Block Two (2), of Miramar Lake Section Three (3), a Subdivision in Harris County, Texas, according to the Map or Plat thereof recorded under Film Code No. 553108 of the Map Records of Harris County, Texas.

Movant's interest in the Property is derived from a Trustee's Deed from Anna C. Sewart dated March 13, 2020, and recorded under Instrument No. RP-2020-116398 in the Real Property Records of Harris County, Texas. Movant also is the holder of a final judgment dated April 19, 2023, in Case No. 2020-35780, by the 80<sup>th</sup> Judicial District Court, Harris County, Texas, in *Thomas, et al v. P.C.F. Properties in TX, LLC, et al.* The Judgment quieted title to the Property, avoiding all other claims and/or interests in the Property.

II. As set forth below, in the exercise of the county clerk's official duties as County Clerk of Harris County, Texas, the county clerk received and filed and recorded the following documentation or instruments attached hereto and containing 22 pages. Said documentation or instruments purport to have created liens or claim interests on the Terra Valley Property, or a purported legal interest in real property against one the parties listed below:

Instrument No.	Date Recorded	Type	Grantor	Grantee
EXHIBIT A RP-2023-141432	04/20/2023	Release of Lien	ANDERSEN JAMES M	THOMAS ELIZABETH
EXHIBIT B RP-2023-148789	04/26/2023	Warranty Deed	MOORE MONIQUE	BEGUESSE-JARBIS JASMINE
EXHIBIT C RP-2023-428601	11/09/2023	Lis Pendens <sup>1</sup>	PITTS JIREH	P C F INVESTMENTS INC P C F PROPERTIES IN TX LLC P C F PROPERTY MANAGEMENT LLC
EXHIBIT D RP-2023-455646	12/04/2023	Warranty Deed	MOORE MONIQUE	THOMAS ELIZABETH

<sup>1</sup> P.C.F. Properties in TX, LLC is not a named party in the litigation and the Lis Pendens alleges facts not supported by any court record.

EXHIBIT. E RP-2024-49552	02/13/2024	Deed of Trust	JARBIS JASMINE B	SPIRES SHELKY
EXHIBIT. F RP-2024- 175520	05/14/2024	Notice of Trustee's Sale	NRIA MAIKI SPIRES SHELKY	JARBIS JASMINE
EXHIBIT. G RP-2024- 209741	06/10/2024	Trustee's Deed	JARBIS JASMINE B NRIA MALKI	SPIRES SHELKY

III. Movant alleges that these deeds, documents and/or instruments attached hereto are fraudulent, as defined by Section 51.901(c)(2), Government Code, and that these deeds, documentation, and/.or instrument should therefore not be accorded lien or claim status and should be removed from Movant's chain of title..

IV. Movant attests that assertions herein are true and correct.

V. Movant does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek to invalidate a legitimate lien. Movant further acknowledges that movant may be subject to sanctions, as provided by Chapter 10, Civil Practice and Remedies Code, if this motion is determined to be frivolous.

PRAYER

Movant requests the court to review the attached documentation or instrument and enter an order determining whether it should be accorded lien status, together with such other orders as the court deems appropriate.

Respectfully submitted,

BARRY & SEWART. PLLC

/s/ John V. Burger

David W. Barry, SBN: 01835200

Anna C. Sewart, SBN: 24029832

Austin R. DuBois, SBN: 24065170

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*Attorneys for Movant, P.C.F. Properties in  
TX, LLC*

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the forgoing was served to all parties in interest listed below by electronic delivery as allowed by the Texas Rules of Civil Procedure by first class United States mail, postage prepaid, on or before the 11<sup>th</sup> day of July, 2024.

James M. Andersen  
Agent for Jireh Pitts  
PO Box 58554  
Webster, TX 77598

Jasmine Beguesse-Jarbis  
2844 Kings Circle  
Kingwood, TX 77345

Jasmine Jarbis  
8292 Terra Valley Lane  
Tomball, TX 77375

Elizabeth Thomas  
8202 Terra Valley Lane  
Tomball, TX 77375

Don Burris  
1302 Waugh Dr.  
Houston, TX 77019

Shelvy Spires  
6046 FM 2920  
Spring, TX 77379

Maiki Nria  
6046 FM 2920  
Spring, TX 77379

/s/ John V. Burger  
John V. Burger

### Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

e File on behalf of John Burger

Bar No. 3378650

efile@barryandsewart.com

Envelope ID: 89675417

Filing Code Description: Motion (No Fee)

Filing Description: MOTION TO AVOID LIENS & DEEDS3

Status as of 7/11/2024 1:30 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Colleen McClure		colleen.mcclure@att.net	7/11/2024 1:16:46 PM	SENT
James Allen		jamesthegreat74@gmail.com	7/11/2024 1:16:46 PM	SENT
Colleen McClure		mcclurelegalassistant@gmail.com	7/11/2024 1:16:46 PM	SENT
HONORABLE ADMINSTRATIVE JUDGE SUSAN BROWN HONORABLE ADMINSTRATIVE JUDGE SUSAN BROWN		Rebecca_Brite@justex.net	7/11/2024 1:16:46 PM	SENT
Keith AWolfshol		KeithW@barryandsewart.com	7/11/2024 1:16:46 PM	SENT
AUSTIN DUBOIS		austin@barryandsewart.com	7/11/2024 1:16:46 PM	SENT
ANNA SEWART		ACSEWART@BARRYANDSEWART.COM	7/11/2024 1:16:46 PM	SENT
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ELIZABETH THOMAS		TETHOMAS3@AOL.COM	7/11/2024 1:16:46 PM	SENT
James Andersen		jandersen.law@gmail.com	7/11/2024 1:16:46 PM	SENT
Wm. LanceLewis		llewis@qslwm.com	7/11/2024 1:16:46 PM	SENT
Rachel Hytken		rhytken@qslwm.com	7/11/2024 1:16:46 PM	SENT
Keith Nguyen		kmlawfirm@gmail.com	7/11/2024 1:16:46 PM	SENT
Honorable Judge Susan Brown Judge Susan Brown		Rebecca_Brite@justex.net	7/11/2024 1:16:46 PM	SENT

MISC. DOCKET NO. 2020-35780

In Re: A Purported  
Lien or Claim Against Real Property Owned by  
P.C.F. Properties in TX, LLC

In the District Court  
In and For Harris County, Texas  
80<sup>th</sup> Judicial District

**Judicial Finding of Fact and Conclusion of Law Regarding a Documentation or  
Instruments Purporting to Create Liens or Claims**

On the \_\_\_\_\_ day of \_\_\_\_\_, 2024), in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of P.C.F. Properties in TX, LLC and the documentation or instrument(s) attached thereto. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the documentation or instrument under the authority vested in the court under Subchapter J, Chapter 51, Government Code. 1

The court finds as follows (only an item checked and initialed is a valid court ruling):

The documentation or instrument(s) attached to the motion herein IS asserted against real or personal property or an interest in real or personal property and:

(1) IS provided for by specific state or federal statutes or constitutional provisions;

(2) IS created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by consent of an agent, fiduciary, or other representative of that person; or

(3) IS an equitable, constructive, or other lien imposed by a court of competent jurisdiction created or established under the constitution or laws of this state or of the United States.

The documentation or instrument(s) attached to the motion herein:

(1)  IS NOT provided for by specific state or federal statutes or constitutional provisions;

(2) IS NOT created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the law of this state or by implied or express consent or agreement of an agent, fiduciary, or other representative of that person;

(3) IS NOT an equitable, constructive, or other lien imposed by a court of competent jurisdiction created by or established under the constitution or laws of this state or the United States; or

(4) IS NOT asserted against real or personal property or an interest in real or personal property. There is no valid lien or claim created by this documentation or instrument(s). The following liens and/or claims against the real property located at 8202 Terra Valley Lane, Tomball, TX 77375, are declared null and void:

Instrument No.	Date Recorded	Type	Grantor	Grantee
EXHIBIT A RP-2023-141432	04/20/2023	Release of Lien	ANDERSEN JAMES M	THOMAS ELIZABETH
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EXHIBIT C RP-2023-428601	11/09/2023	Lis Pendens <sup>1</sup>	PITTS JIREH	P C F INVESTMENTS INC P C F PROPERTIES IN TX LLC P C F PROPERTY MANAGEMENT LLC
EXHIBIT D RP-2023-455646	12/04/2023	Warranty Deed	MOORE MONIQUE	THOMAS ELIZABETH
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EXHIBIT. G RP-2024-209741	06/10/2024	Trustee's Deed	JARBIS JASMINE B NRIA MALKI	SPIRES SHELKY

This court makes no finding as to any underlying claims of the parties involved, and expressly limits its finding of fact and conclusion of law to the review of a ministerial act. The county clerk shall file this finding of fact and conclusion of law in the same class of records as the

<sup>1</sup> P.C.F. Properties in TX, LLC is not a named party in the litigation and the Lis Pendens alleges facts not supported by any court record.

subject documentation or instrument was originally filed, and the court directs the county clerk to index it using the same names that were used in indexing the subject documentation or instrument.

SIGNED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_.

DISTRICT JUDGE  
80<sup>th</sup> JUDICIAL DISTRICT  
HARRIS COUNTY, TEXAS

### Automated Certificate of eService

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e File on behalf of John Burger

Bar No. 3378650

efile@barryandsewart.com

Envelope ID: 89675417

Filing Code Description: Motion (No Fee)

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James Allen		jamessthegreat74@gmail.com	7/11/2024 1:16:46 PM	SENT
Colleen McClure		mcclurelegalassistant@gmail.com	7/11/2024 1:16:46 PM	SENT
HONORABLE ADMINISTRATIVE JUDGE SUSAN BROWN HONORABLE ADMINISTRATIVE JUDGE SUSAN BROWN		Rebecca_Brite@justex.net	7/11/2024 1:16:46 PM	SENT
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ANNA SEWART		ACSEWART@BARRYANDSEWART.COM	7/11/2024 1:16:46 PM	SENT
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Keith Nguyen		kmlawfirm@gmail.com	7/11/2024 1:16:46 PM	SENT
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and ALLAN HAYE,

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In the District Court  
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80<sup>th</sup> Judicial District

### **NOTICE OF IN PERSON ORAL HEARING**

#### **Motion for Judicial Review of Documentation or Instrument Purporting to Create Liens or Claims**

Please take notice that an **in-person** oral hearing will be conducted on August 13, 2024, at 1:30 p.m., to consider and rule P.C.F. PROPERTIES IN TX, LLC's MOTION FOR JUDICIAL REVIEW OF DOCUMENTATION OR INSTRUMENT PURPORTING TO CREATE LIENS OR CLAIMS. **THIS IS HEARING WILL BE CONDUCTED** by the Honorable Jerlynn Manor, 80<sup>th</sup> Judicial District Court of Harris County, Texas, 201 Caroline Street, 13<sup>th</sup> Floor, Houston, TX 77002.

Respectfully submitted,

BARRY & SEWART, PLLC

/s John V. Burger

David W. Barry, SBN: 01835200

Anna C. Sewart, SBN: 24029832

Austin R. DuBois, SBN: 24065170

John V. Burger, SBN: 03378650

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**CERTIFICATE OF SERVICE**

This is to certify that on July 11, 2024, a true and correct copy of the foregoing pleading has been furnished to all parties as follows:

James M. Andersen  
Agent for Jireh Pitts  
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Jasmine Beguesse-Jarbis  
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Jasmine Jarbis  
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Tomball, TX 77375

Elizabeth Thomas  
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6046 FM 2920  
Spring, TX 77379

Maiki Nria  
6046 FM 2920  
Spring, TX 77379

*/s/John V. Burger*  
John V. Burger

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Keith Nguyen		krnlawfirm@gmail.com	7/11/2024 1:16:46 PM	SENT